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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

JAMES ROBERT BAXTER,

Defendant and Appellant.

C085881

(Super. Ct. No. 17FE017157)

This is an appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

Defendant was charged by complaint with unlawful possession for sale of a controlled substance, methamphetamine (Health & Saf. Code, § 11378; count one) and unlawful possession of methamphetamine while armed with a loaded, operable firearm

(Health & Saf. Code, § 11370.1, subd. (a); count two). The complaint alleged that, in the commission of count one, defendant was personally armed with a firearm within the meaning of Penal Code section 12022, subdivision (c).¹

On October 12, 2017, defendant entered a negotiated plea of no contest to counts one and two in exchange for dismissal of the firearm enhancement and a stipulated disposition of five years of formal probation and 365 days in county jail. The parties stipulated to the following factual basis to substantiate the plea: On September 15, 2017, defendant was in possession of 18 grams of methamphetamine, a digital scale, packaging material, and a large amount of cash. An expert would testify that that methamphetamine was possessed for the purposes of sale. Defendant unlawfully possessed the methamphetamine while armed with a loaded operable shotgun.

The trial court suspended imposition of sentence and placed defendant on five years of formal probation subject to terms and conditions including 365 days in county jail with 56 days of presentence custody credit (28 actual days plus 28 days of conduct credit). The court imposed fees and fines as set forth in the conditions of probation, including a \$300 restitution fine (§ 1202.4); a \$300 probation revocation fine, stayed pending successful completion of probation (§ 1202.44); a \$50 laboratory fee (Health & Saf. Code, § 11372.5) plus \$130 in specified penalties and assessments; a \$150 drug program fee (Health & Saf. Code, § 11372.7) plus \$130 in specified penalties and assessments; an \$80 court security fee (§ 1465.8); a \$96 criminal impact fee (§ 1465.7); a \$60 court facility fee (Gov. Code, § 70373); and a \$25 urinalysis testing fee.

Defendant filed a timely notice of appeal. He did not request a certificate of probable cause.

¹ Unspecified statutory references are to the Penal Code in effect at the time of the charged offenses.

WENDE REVIEW

Counsel filed an opening brief that sets forth the facts of the case and requests that we review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

/s/
MURRAY, J.

We concur:

/s/
HULL, Acting P. J.

/s/
DUARTE, J.